

REMARKS

Claims 1-34 were previously pending in this application. By this amendment, Applicant is canceling claims 2-4 without prejudice or disclaimer. Claims 1 and 28 have been amended. As a result, claims 1, 6-28, and 30-34 are pending for examination with claims 1 and 28 being independent claims. No new matter has been added. This preliminary amendment is responsive to the Final Office Action mailed December 31, 2007 (hereinafter the "Office Action").

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 1-15, 19-20, 28, 30-34 under 35 U.S.C. §102(e) as being anticipated by Murooka, et al., U.S. Publication No. 2003/0202471 (hereinafter "Murooka"). In response, Applicant has amended independent claims 1 and 28, and submits the following remarks.

Murooka is directed to a measurement apparatus for measuring traffic of packets with high time resolution (Abstract). The measurement apparatus includes an accumulation part for accumulating packet lengths of packets having predetermined header information in successively received packets, and storing an accumulated value of the packet lengths in a storage; and a periodic reading part for reading the accumulated value from the storage at predetermined time intervals, and outputting the accumulated value (Abstract). In particular, Murooka discloses a traffic quality measurement apparatus that can measure traffic of a packet-flow at time intervals no more than one second (Page 2, Para [0033]).

Claim 1, as amended, recites a method for correlating network information comprising obtaining control information from at least one of a plurality of network resources, wherein the network resources are routers and the control information is routing information that is used by the routers to transmit data within a distributed computer network between the routers and other systems of the distributed computer network; storing, in a database, status information related to a change of the control information; obtaining data transmission information from the at least one of the plurality of network resources; determining that the control information and the data transmission information are related; correlating the control information and the data transmission information; determining that a change in control information is related to an observation of a change in data forwarding; and observing the change in data forwarding by observing a change, over time, in the data transmission information.

Murooka does not anticipate claim 1, as amended. In particular, Murooka does not disclose “obtaining control information from at least one of a plurality of network resources, wherein the network resources are routers and the control information is routing information that is used by the routers to transmit data within a distributed computer network between the routers and other systems of the distributed computer network,” as recited in claim 1. As discussed in the Office Action in Paragraph 4, Murooka fails to teach “control information” that includes routing information. Murooka is concerned with measure traffic flow at intervals of no more than 1 second; Murooka is not concerned with routing networks and/or control information including routing information, or correlating information of data forwarding to changes in control information. Thus, Murooka does not anticipate claim 1, and the rejection should be withdrawn. Claims 6-27 depend from claim 1 and are allowable for at least the same reasons.

Independent claim 28, as amended recites a system comprising a collector adapted to receive data transmission information; a collector adapted to receive control information used by routers, wherein the control information is routing information that is used by the routers to transmit data within a distributed computer network between the routers and other systems of the distributed computer network; and a correlator that correlates the received data transmission information and the received control information, wherein the correlator is adapted to store changes in control information periodically over a period of time and is adapted to determine that a change in control information is related to an observation of a change in data forwarding within the distributed computer network.

Murooka does not anticipate independent claim 28, as amended. In particular, Murooka does not disclose “a collector adapted to receive data transmission information; a collector adapted to receive control information used by routers, wherein the control information is routing information that is used by the routers to transmit data within a distributed computer network between the routers and other systems of the distributed computer network,” as recited in claim 28. As discussed above with respect to claim 1, Murooka is concerned with measure traffic flow at intervals of no more than 1 second; Murooka is not concerned with routing networks and/or control information including routing information, or correlating information of data forwarding to changes in control information. Accordingly, withdrawal of this rejection of claim 28 is respectfully requested. Claims 30-34 depend from claim 28, and are allowable for at least the same reasons.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 16-18, 23-27 under 35 U.S.C. §103(a) as being unpatentable over Murooka, et al. in view of Ogielski, et al., U.S. Publication No. 2004/0221296 (hereinafter "Ogielski").

Applicant notes that Ogielski is not proper prior art. In particular, the Application of Ogielski of which sections were relied on in the Office Action was filed on March 18, 2004, after the filing date of the instant application on July 21, 2003. Thus, Paragraphs [0044] and claim 16 did not exist prior to the filing date of the instant application, and thus any rejection fashioned using the disclosure of Ogielski as filed on March 18, 2004 is improper.

Accordingly, withdrawal of this rejection of claims 16-18, 23-27 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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